

25 Oct 02
characteristics of past initiatives with past sales requests, and provide a result indicating the effectiveness of the new initiative.

REMARKS

In the Final Office Action dated January 22, 2002, the Examiner rejected claims 1-24 under 35 U.S.C. § 102(e) as being anticipated by Day et al. (U.S. Patent No. 5,857,175) (Office Action [hereinafter "OA"], paragraph 3).

In view of the remarks that follow, Applicants respectfully traverse the Examiner's rejection of the claims under 35 U.S.C. § 102(e).

The Examiner rejected claims 1-24 under 35 U.S.C. § 102(e) as being anticipated by Day et al. (OA, paragraph 3). The Examiner alleged that Day et al. disclose a supervisory computer used to perform special offer maintenance such as determining targeting parameters including a time period, associating certain customer criteria with certain offers, determining a likelihood that the new initiative will be effective using stored statistics reflecting hit rates of past initiatives with past sales requests, and providing a result indicating the effectiveness of the new initiative.

The present invention recited in claim 1, for example, recites a method for creating a marketing initiative comprising the steps, performed by a processor, of: inputting offer parameters for a new initiative, including an initiative time period and an initiative description; associating customer selection criteria with the offer parameters; determining a likelihood that the new initiative will be effective using stored statistics reflecting hit rates based on characteristics of past initiatives with past sales requests; and providing a result indicating the effectiveness of the new initiative.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

Applicants respectfully submit that Day et al. do not disclose or suggest this claimed combination of steps. Among other things, the reference does not disclose or suggest determining a likelihood that the new initiative will be effective using stored statistics reflecting hit rates based on characteristics of past initiatives with past sales requests; and providing a result indicating the effectiveness of the new initiative.

Day et al. disclose a system that presents customized special offers to a customer, including targeted offers to a customer selected from a plurality of customers (abstract). When targeted special offers are set up, manufacturers provide targeted offer targeting parameters in the form of criteria a customer must meet in order to be eligible for a particular targeted offer (col. 7, lines 13-18). The system further comprises means for generating a report of the effectiveness of special offers in causing customers to purchase products (col. 8, lines 8-12). Specifically, Day et al. mention that a manufacturer may want to know whether a targeted special offer increased their sales (col. 8, lines 12-14).

In contrast, systems and methods consistent with the present invention determine a likelihood that the new initiative will be effective using stored statistics reflecting hit rates based on characteristics of past initiatives with past sales requests; and providing a result indicating the effectiveness of the new initiative. The effectiveness disclosed by the present application is tied to the hit rates of past initiatives with past sales requests. In other words, the stored statistics measure how often a past initiative is selected as being particularly relevant to past sales requests. More specifically, hit rates are concerned with the particular characteristics of past initiatives. Such characteristics are information associated with initiatives that may

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

enable the initiatives to be retrieved when a customer makes a request that includes at least some of the characteristics.

The system of Day et al., on the other hand, makes no mention of determining the likelihood that a new initiative will be effective using statistics reflecting hit rates as described above. In fact, Day et al. do not determine the likelihood that a new initiative will be effective at all. This much is suggested by the Examiner's assertion that if "a business has a means to measure the effectiveness of its marketing initiatives, it would make complete business sense for the business to utilize those analyses to refine current and new marketing initiatives." In order for a rejection under 35 U.S.C. § 102 to be valid, a reference must show every limitation of the claim. Day et al. are completely silent on determining a likelihood that a new initiative will be effective using hit rates as presently claimed. Accordingly, Day et al. do not disclose, teach, or suggest determining a likelihood that the new initiative will be effective using stored statistics reflecting hit rates based on characteristics of past initiatives with past sales requests; and providing a result indicating the effectiveness of the new initiative.

For at least the foregoing reasons, Applicants submit that claim 1 is not anticipated by Day et al. Applicants further submit that claims 10, 18, 21 and 24 are not anticipated by Day et al. for at least the reasons given with respect to claim 1.

The dependent claims 2-9, 11-17, 19-20 and 22-23 are allowable not only for the reasons stated above with regard to their respective base claims, but also for their own patentable features.

Since each of the independent claims has been placed in allowable form, Applicants respectfully request the timely allowance of this application.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

Applicants respectfully request that this Amendment After Final under 37 C.F.R. § 1.116 be entered by the Examiner. Applicants submit that the proposed amendment does not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner. Therefore, this Amendment After Final should allow for immediate action by the Examiner. Finally, Applicants submit that the entry of the Amendment After Final would place the application in better form for appeal.

If an extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this Amendment, such extension is requested. If there are any other fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

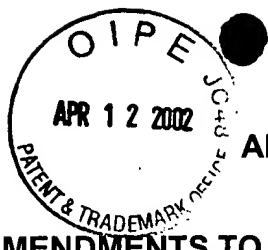
Dated: April 12, 2002

By: 

Walter D. Davis, Jr.
Reg. No. 45,137

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com



APPENDIX TO AMENDMENT OF APRIL 22, 2002

AMENDMENTS TO THE CLAIMS

1. (Twice Amended) A method for creating a marketing initiative comprising the steps, performed by a processor, of:

inputting offer parameters for a new initiative, including an initiative time period and an initiative description;

associating customer selection criteria with the offer parameters;

determining a likelihood that the new initiative will be effective using stored statistics reflecting hit rates based on characteristics of past initiatives with past sales requests; and

providing a result indicating the effectiveness of the new initiative.

10. (Twice Amended) A sales manager system including a sales manager workstation for creating a marketing initiative comprising:

a sales manager workstation controller including means for entering offer parameters for a new initiative and means for associating customer selection criteria with the offer parameters; and

a trend analysis unit using stored statistics reflecting hit rates based on characteristics of past initiatives with past sales requests to determine a likelihood that the new initiative will be effective, wherein

a result is provided indicating the effectiveness of the new initiative.

18. (Twice Amended) A sales manager system comprising:

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

a sales manager workstation for creating a marketing initiative, said sales manager workstation including a sales manager workstation controller including means for entering offer parameters for a new initiative and means for associating customer selection criteria with the offer parameters, a trend analysis unit using stored statistics reflecting hit rates based on characteristics of past initiatives with past sales requests to determine a likelihood that the new initiative will be effective, and an impact analysis unit for determining an impact of the new initiative on other initiatives stored in a database;

a decision support subsystem (DSS) database connected to the sales manager workstation for storing the new initiative;

a runtime offers subsystem connected to the DSS database for using information from a customer request to determine a most targeted initiative; and

a marketing host connected to the runtime offers subsystem, said marketing host including means for sending customer requests to the runtime offers subsystem.

21. (Twice Amended) A method for creating a marketing initiative comprising the steps, performed by a processor, of:

inputting a set of new initiatives, wherein each initiative includes an initiative time period and an initiative description;

associating customer selection criteria with each new initiative;

determining a likelihood that each new initiative will be effective using stored statistics reflecting hit rates based on characteristics of past initiatives with past sales requests; and

providing a result indicating the effectiveness of each new initiative.

24. (Twice Amended) A data processing system for creating a marketing initiative, comprising:

a memory having program instructions; and

a processor responsive to the program instructions to input offer parameters for a new initiative, including an initiative time period and an initiative description, associate customer selection criteria with the offer parameters, determine a likelihood that the new initiative will be effective using stored statistics reflecting hit rates based on characteristics of past initiatives with past sales requests, and provide a result indicating the effectiveness of the new initiative.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com